

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 285 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 285 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 285 be corrected as follows:

- 1 Page 4, after line 12, begin a new paragraph and insert:
- 2 "SECTION 6. IC 20-33-8-0.2 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: **Sec. 0.2. As used in this chapter,**
- 5 **"bullying" means overt, repeated acts or gestures, including:**
- 6 **(1) verbal or written communications transmitted;**
- 7 **(2) physical acts committed; or**
- 8 **(3) any other behaviors committed;**
- 9 **by a student or group of students against another student with the**
- 10 **intent to harass, ridicule, humiliate, intimidate, or harm the other**
- 11 **student.**
- 12 SECTION 7. IC 20-33-8-13.5 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2005]: **Sec. 13.5. (a) Discipline rules adopted**
- 15 **by the governing body of a school corporation under section 12 of**
- 16 **this chapter must:**
- 17 **(1) prohibit bullying; and**
- 18 **(2) include provisions concerning education, parental**
- 19 **involvement, reporting, investigation, and intervention.**
- 20 **(b) The discipline rules described in subsection (a) must apply**
- 21 **when a student is:**
- 22 **(1) on school grounds immediately before or during school**
- 23 **hours, immediately after school hours, or at any other time**
- 24 **when the school is being used by a school group;**
- 25 **(2) off school grounds at a school activity, function, or event;**
- 26 **(3) traveling to or from school or a school activity, function, or**

- 1 **event; or**
2 **(4) using property or equipment provided by the school.**
3 **(c) This section may not be construed to give rise to a cause of**
4 **action against a person or school corporation based on an**
5 **allegation of noncompliance with this section. Noncompliance with**
6 **this section may not be used as evidence against a school**
7 **corporation in a cause of action."**

(Reference is to ESB 285 as printed March 18, 2005.)

Representative Whetstone, Chairperson

Representative Pelath, R.M.M.

Representative Behning, Author